

THE STORIES: REFUGEES HURT
BY THE MATERIAL SUPPORT BAR ON ADMISSION

The resettlement of thousands of vulnerable refugees is in jeopardy because of language in the Patriot Act that bars admission to the U.S. for anyone who provided any “material support” to any armed group – even if the group is not designated a terrorist organization, and even if the refugee was forced at gunpoint to provide the support. Below are examples of refugees who might have been admitted but for this provision.

Case 1: Liberian refugee forced to be a sexual slave by rebel groups

During the war in Liberia, LURD rebels came to Mrs. J’s home, shot and killed her father in front of her and then raped her repeatedly. The rebels then abducted Mrs. J, held her hostage, and forced her to perform a variety of household tasks, such as cooking and laundry. After several weeks in captivity, Mrs. J escaped and made her way to a refugee camp, where she currently remains.

During adjudication, the Department of Homeland Security considered the tasks she had performed for the rebels (i.e. doing laundry) as "material support" and the case was placed on hold.

Case 2: Sierra Leone mother and daughter fleeing sexual violence by Sierra Leone rebel groups

Mrs. D’s house was attacked by rebels. She and her daughter were repeatedly struck with machetes, raped, and held captive in their own home. The rebels kept the family captive for days in their own home. The daughter has scars from the machete wounds.

Mrs. D’ resettlement was placed on hold for material support concerns, on the grounds that the family had provided housing to the rebels.

Case 3: Burmese refugee fleeing torture and persecution by ruling military junta

In May 2001, five soldiers came to Mr. X’s house, took him to a military camp, and interrogated him about alleged involvement with the Chin National Front, an ethnic resistance movement opposed to Burma’s ruling military junta. During interrogation, Mr. X was blindfolded and forced to spin around in circles while soldiers repeatedly beat and punched him. When he collapsed, soldiers tied him to a pole and then put him in a hole in the earth.

Approximately one month after Mr. X’s release, ten CNF members, including Mr. X’s uncle, came to Mr. X’s farm house seeking shelter for the night. Although Mr. X turned the others away, he let his uncle stay. The next morning, government soldiers showed up

at his home, killed his brother, arrested his sister-in-law, and burned down the house. Mr. X escaped into the jungle and eventually fled to Malaysia.

Mr. X has been cleared for resettlement by the U.N. High Commissioner for Refugees (UNHCR). But he would be barred from admission to the U.S. because he allowed his uncle, a member of the CNF, to sleep in his home. The CNF has not been designated a terrorist organization by the State Department and has no connections to international terrorist groups, but is treated as one under the material support provision because it has at times taken up arms against the Burma's repressive junta. UNHCR has stopped referring for resettlement to the U.S. all Burmese refugees living in Malaysia because so many would be barred under the material support provision.

Case 4: Colombian refugee who was gang-raped after her husband was shot and killed by the FARC

In July 2001 the FARC guerrillas began making threats against Mrs. H and her family and demanded money. The family did not have money so the guerrillas took some livestock instead.

In February 2002, Mrs. H and her husband were working in their fields, when four guerrilla members appeared and demanded 600,000 pesos. Mrs. H's husband pleaded that he did not have the money. The guerrillas then shot him and began to rape Mrs. H. The wounded husband was forced to witness the rape. When the husband tried to defend Mrs. H, the guerrillas shot him repeatedly in the head and killed him. Mrs. H was then gang raped by the four men. She and her sister fled to Ecuador.

Mrs. H. is barred from admission to the U.S. because the forced provision of farm animals to the FARC would be considered material support. UNHCR has stopped processing Colombian refugees for resettlement in the U.S. because of the material support bar.

Case 5: Youth Forced to Dig Graves for Paramilitaries

Jesus, a 22-year-old Colombian, arrived in Ecuador in the middle of 2005 after barely escaping with his life following a death march to a paramilitary encampment.

One night, four members of the paramilitary arrived at his mother's house where Jesus was living with his uncle. They attacked his uncle, who fled, and forced Jesus to march down to where the paramilitaries had amassed some of the local indigenous population. During a march that lasted several days, the paramilitaries shot and killed many of those who marched with him. Jesus was forced to watch this, and at times, to dig the graves of the dead. Because the paramilitary forces would sometimes shoot someone in the back when he had finished digging the grave, only to have the gravedigger fall into the hole which he had recently dug, Jesus said, "I never knew when I would be digging my own grave." After several days, Jesus ran into a cousin who convinced her paramilitary boyfriend to let Jesus escape.

Jesus would be barred from resettlement in the United States under the “material support” provision because he provided “services” to a terrorist organization when the paramilitaries forced him to dig graves, including possibly his own.

Case 6: Woman Imprisoned by the FARC with her Children in her own House

Louisa and her husband Miguel worked on a farm for about 6 years. After a day’s work in October 2005, she and her husband returned from the fields to their home with their children. That evening, three members of the FARC came to the house and kidnapped Miguel at gunpoint. An armed member of the FARC imprisoned Louisa and her children in their home for three days. The armed guerilla stayed in their house, and refused to let them leave. The guerilla passed them food to eat, but would not allow them to leave the house for any reason. After three days, the guerilla allowed Louisa and her children to leave. They fled across the border to Ecuador that same day, leaving behind everything they owned. Louisa has not heard anything about her husband since the day he was taken. She does not think she will ever see him alive again.

Louisa would be barred resettlement in the United States under the “material support” provision because she provided “shelter” to a terrorist organization when a FARC guerilla imprisoned her and her children in their own home.

Sources: U.S Department of State, U.N. High Commissioner for Refugees, Harvard Law School Human Rights Clinic, Georgetown University Law Center.